

### **REMARKS**

Claims 1-6, 8-16 and 18-20 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

This paper supplements the amendment filed March 10, 2009, and clarifies the content being prevented from display, essentially as claimed in Claim 1. The arguments below reflect the clarification with respect to Claim 1.

Claims 1-6, 8-16 and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (USPN 6,484,148). The Examiner stated essentially that Boyd teaches or suggests all the limitations of Claims 1-6, 8-16 and 18-20.

Claims 1, 14, and 20 are the independent claims.

Claim 1 claims, *inter alia*, "preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content."

Boyd teaches using conditions for determining whether to display content (see column 13, lines 22-28). Boyd does not teach "preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules" as claimed in Claim 1. Therefore, Boyd fails to teach all the limitations of Claim 1. The Examiner stated essentially that it would have been obvious that any positive rule can also be written as a negative rule, and provides the example of a rule requiring that a customer is not a female. Respectfully, the Examiner has misinterpreted the limitation - the claimed "second satisfied rule" is not necessarily a logical

negative, essentially as suggested by the Examiner, but a rule that prevents the display of control. There is no requirement that the rule be logically positive or negative. Further, the examples suggested by the Examiner are never-the-less used in the display of content – the suggested negative form rules do not prevent the display of content. Claim 1 has been further distinguished from Boyd, in that a preventative rule overrides rules for the display of content.

Claim 14 claims, *inter alia*, “determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values.”

Boyd teaches a ranking function to determine the optimal ad to display to two or more persons, wherein the optimal ad is determined by the advertising fees generated by displaying the advertisements and/or the strength of the match between the advertisement profile and the consumer profiles (see col. 8, lines 46-51). Boyd does not teach “determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values” as claimed in Claim 14. The Examiner stated essentially that it would have been obvious to include variable monetary charges based on how strong a match is between an advertisement profile and a customer profile. Even assuming, *arguendo*, the Examiner’s interpretation of Boyd as suggesting a variable charge based on rank, such a charge is not tied to rule for the display of content (Applicants reiterate that Boyd links fees only with the ads – the fees have no connection with the described rank). In the claimed invention, the variable monetary charge is based on the content displayed and a value associated with each of the satisfied rules, which triggered the display of the content. Boyd’s rank is a measure used in

selecting content; a rank is not a rule that may be satisfied. Therefore, Boyd's rank is not analogous to the claimed rule capable of being satisfied. For at least the forgoing reasons, Boyd fails to teach all the limitations of Claim 14.

Claim 20 claims, *inter alia*, “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule.”

Boyd teaches simultaneously receiving multiple signals and providing targeted advertisements based on the signal having the most attractive consumer profile, creating a composite profile based on a cross-section of multiple consumer profiles retrieved simultaneously, and performing a ranking function to determine the optimal ad to display to two or more persons (see col. 8, lines 23-65). Boyd fails to teach or suggest “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule” as claimed in Claim 20. Respectfully, Applicants have reviewed the rejection at pages 11 and 12 of the Office Action and do not find a discussion of a combined value of any parameter or rank. Further, Boyd associates fees with ads only (see col. 12, lines 45-51). Since the fees are associated only with ads, a combined value cannot be determined – no two ads may be displayed simultaneously. Furthermore, assuming, *arguendo*, the Examiner’s interpretation of Boyd as suggesting a variable charge based on rank, only one rank is associated with any ad. Therefore, the concept of combined values is not capable of being implemented in conjunction with the methods taught by Boyd. Therefore, Boyd fails to teach all the limitations of Claim 20.

Claims 2-6 and 8-13 depend from Claim 1. Claims 15, 16, 18, and 19 depend from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 14. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-6, 8-16 and 18-20, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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